

REMARKS

Claims 1-50 are pending the present application with no claim allowed.

Record of Interview

On January 6, 2003, an interview was conducted by telephone between the Examiner and Steven J. Robbins, Reg. No. 40,299. The Examiner is thanked for granting this interview.

The Office Action of October 9, 2002 was discussed, particularly the 35 U.S.C. § 103 rejections and the *Knight et al.* (US 6,442,608 B1) reference. The Examiner noted that *Knight* and the present application appear to be two different inventive entities as the former includes an inventor named Pauline Chen and the latter includes an inventor named Pauline Chen Boyd. However, the Examiner further noted that if these are in fact the same person, then such should be noted in the record.

The 35 U.S.C. § 103 Rejection

Claims 1-18 and 29-45 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Knight et al.* (US 6,442,608 B1) in view of *Locklear, Jr. et al.* (US 6,252,878 B1). Claims 19-28 and 46-50 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Knight et al.* (US 6,442,608 B1) in view of *Locklear, Jr. et al.* (US 6,252,878 B1) and *Wipfel et al.* (US 6,151,688). These rejections are respectfully traversed.

Generally, the Office Action states that *Knight* discloses or suggests most of the claim elements and that *Locklear* and *Wipfel* disclose or suggest the rest. However, *Knight* is not prior art to the present application. *Knight* is not "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent" (emphasis added) as outlined in 35 U.S.C. § 102(e)(2). The inventors are the same. Pauline Chen and Pauline Chen Boyd are the same person as she was married between January 14, 1999 and

September 30, 1999 resulting in the name change. Without *Knight*, the rejections lack support and should be withdrawn.

In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

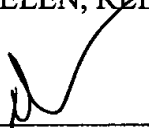
Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,
THELEN, REID, & PRIEST LLP

Dated: January 9, 2003




David B. Ritchie
Reg. No. 31,562

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From: Steven Robbins
To: Diane Morse
Date: Wednesday - January 8, 2003 9:07 AM
Subject: CISCO-1372 Office Action (HOT)
 CISCO-1372 AM 2 Rev 1.doc (25088 bytes) [\[View\]](#) [\[Save As\]](#)

RE: CISCO-1372 (032590-80) Automatic Hardware Failure Detection and Recovery for Distributed Max Sessions Server

Hello:

Please find attached a Response to the outstanding Office Action in the above matter that has been approved by DBR for filing.

The three month due date is Thursday, 1-9-3.

I will return the file by FedEx for tomorrow morning delivery.

Please prepare for filing and file. Thanks.

Everyday,

Steve.

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From: David Ritchie
To: Steven Robbins
Date: Tuesday - January 7, 2003 6:53 PM
Subject: Re: CISCO-1372 Office Action

OK

David B. Ritchie, Esq.
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>>> Steven Robbins 01/07/03 04:18PM >>>

RE: CISCO-1372 (032590-80) Automatic Hardware Failure Detection and Recovery for Distributed Max Sessions Server

Hello:

Please find attached a proposed Response to the outstanding Office Action in the above matter.

I spoke with co-inventor Darrell Shively by phone who confirmed that Ms. Chen is no longer with Cisco but is the same inventor on both applications. This means that they are not "by another" inventive entity as required.

The three month due date is Thursday, 1-9-3.

Please review and advise. Thanks.

Everyday,

Steve.